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DOCKET NO.: C1037.70048US00


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/644,052  
Confirmation No.: 4791  
Filed: August 19, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS

Examiner: Not Yet Assigned  
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 16<sup>th</sup> day of November, 2004.

  
Kristin J. Ketelhut

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

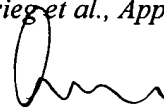
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

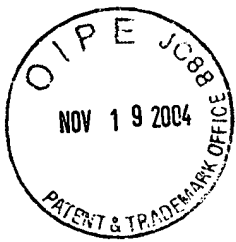
A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Krieg et al., Applicant*

By:

  
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Docket No.: C1037.70048US00  
Date: November 16, 2004  
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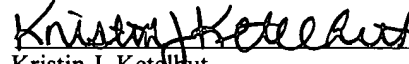
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Kristin J. Ketelhut

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
09/768,012	January 22, 2001	McCluskie et al.	C1040.70010US00
10/811,226	March 26, 2004	Wagner et al.	*C1041.70005US01
10/816,220	April 1, 2004	McCluskie et al.	*C1037.70039US01
10/831,647	April 23, 2004	Krieg et al.	*C1039.70048US03
10/831,775	April 23, 2004	Davis et al.	*C1039.70058US01
10/831,778	April 23, 2004	Bratzler et al.	*C1037.70013US01
10/838,659	May 3, 2004	Davis et al.	*C1039.70057US01
10/847,642	May 15, 2004	Krieg et al.	*C1039.70048US04
10/847,650	May 15, 2004	Krieg et al.	*C1039.70083US08
10/644,267	August 20, 2003	Davis et al.	*C1040.70012US00
10/666,844	September 19, 2003	Lipford et al.	*C1041.70040US00
10/876,892	June 25, 2004	Wagner et al.	*C1041.70002US03
10/876,965	June 25, 2004	Wagner et al.	*C1041.70002US02
10/872,196	June 18, 2004	Lipford et al.	*C1041.70036US01
10/877,369	June 25, 2004	Wagner et al.	*C1041.70002US01
10/877,407	June 24, 2004	Krieg et al.	*C1039.70048US05
10/884,372	July 2, 2004	Bauer et al.	*C1041.70016US01
10/884,852	July 2, 2004	Krieg et al.	*C1039.70048US06
10/884,866	July 2, 2004	Krieg et al.	*C1039.70035US01
10/888,089	July 9, 2004	Krieg et al.	*C1039.70083US10
10/888,449	July 9, 2004	Krieg et al.	*C1039.70048US08
10/888,785	July 9, 2004	Krieg et al.	*C1039.70048US07
10/888,803	July 9, 2004	Krieg et al.	*C1039.70035US02
10/888,885	July 9, 2004	Krieg et al.	*C1039.70083US09
10/888,886	July 9, 2004	McCluskie et al.	*C1040.70006US01
10/894,655	July 16, 2004	Wagner et al.	*C1041.70005US02

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/894,657	July 16, 2004	Krieg et al.	*C1039.70048US09
10/894,862	July 16, 2004	Krieg et al.	*C1039.70048US10
10/921,086	August 18, 2004	Krieg et al.	*C1039.70020US01
10/928,762	August 26, 2004	Krieg et al.	*C1039.70048US11
10/952,254	September 27, 2004	Uhlmann et al.	*C1037.70050US01
10/956,494	October 1, 2004	Krieg et al.	*C1039.70048US13
10/956,745	October 1, 2004	Krieg et al.	*C1039.70048US12
10/972,301	October 22, 2004	Krieg et al.	*C1039.70048US14
10/973,927	October 25, 2004	Lipford et al.	*C1037.70054US01
10/977,560	October 29, 2004	Jurk et al.	*C1041.70043US01
10/978,283	October 29, 2004	Uhlmann et al.	*C1041.70034US01

\*a copy of this reference is not provided as the Office has waived the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

Serial No.: 10/644,052  
Conf. No.: 4791

- 4 -

Art Unit: 1632

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Krieg et al., Applicant*

By:



Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
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Boston, Massachusetts 02210-2206  
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FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/644,052		ATTY. DOCKET NO.: C1037.70048US00	
				FILING DATE: August 19, 2003		CONFIRMATION NO.: 4791	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned	
Sheet	1	of	2				

### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A42	5,968,909		Agrawal et al.	10-19-1999
	A43	6,727,230	B1	Hutcherson et al.	04-27-2004
	A44	6,821,957	B1	Davis et al.	11-23-2004
	A45	2003-0212026	A1	Krieg et al.	11-13-2003
	A46	2003-0224010	A1	Davis et al.	12-04-2003
	A47	2004-0030118	A1	Wagner et al.	02-12-2004
	A48	2004-0053880	A1	Krieg	03-18-2004
	A49	2004-0067905	A1	Krieg	04-08-2004
	A50	2004-0087534	A1	Krieg et al.	05-06-2004
	A51	2004-0087538	A1	Krieg et al.	05-06-2004
	A52	2004-0092472	A1	Krieg	05-13-2004
	A53	2004-0106568	A1	Krieg et al.	06-03-2004
	A54	2004-0131628	A1	Bratzler et al.	07-08-2004
	A55	2004-0132685	A1	Krieg et al.	07-08-2004
	A56	2004-0142469	A1	Krieg et al.	07-22-2004
	A57	2004-0143112	A1	Krieg et al.	07-22-2004
	A58	2004-0147468	A1	Krieg et al.	07-29-2004
	A59	2004-0152649	A1	Krieg	08-05-2004
	A60	2004-0152656	A1	Krieg et al.	08-05-2004
	A61	2004-0152657	A1	Krieg et al.	08-05-2004
	A62	2004-0162258	A1	Krieg et al.	08-19-2004
	A63	2004-0162262	A1	Krieg et al.	08-19-2004
	A64	2004-0167089	A1	Krieg et al.	08-26-2004
	A65	2004-0171150	A1	Krieg et al.	09-02-2004
	A66	2004-0171571	A1	Krieg et al.	09-02-2004
	A67	2004-0181045	A1	Krieg et al.	09-16-2004
	A68	2004-0198688	A1	Krieg et al.	10-07-2004

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/644,052		ATTY. DOCKET NO.: C1037.70048US00	
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				GROUP ART UNIT: 1632		EXAMINER: Not Yet Assigned	
Sheet	2	of	2				

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B6	WO	2004/041183	A2	The Regents of the University of California	05-21-2004	

EXAMINER:	DATE CONSIDERED:
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